



Australian Government

Australian Government response to the
2019 Review of the
National Disability Insurance Scheme
Act 2013 report

August 2020

Introduction

The Australian Government welcomes the 2019 Review of the *National Disability Insurance Scheme Act 2013* (the NDIS Act) report completed by Mr David Tune AO PSM (the Report).

The Report contains 29 recommendations to improve the experience of participants with the National Disability Insurance Scheme (NDIS) and support the introduction of the Participant Service Guarantee.

The key findings of the Report include:

- the need to provide clarity on the concept of ‘reasonable and necessary’
- participants experience lengthy waits to receive decisions from the National Disability Insurance Agency (NDIA)
- participants consider NDIA decision-making is not transparent and is inconsistent
- participants consider there is a lack of information provided to support their engagement with the NDIS
- areas of the NDIS Act are unnecessarily rigid and do not encourage flexibility.

Nineteen of the recommendations suggest modest amendments to the NDIS Act and NDIS Rules to support the implementation of the Participant Service Guarantee, improve outcomes for children and people with psychosocial disabilities, clarify the basis of reasonable and necessary packages of support and streamline NDIS processes. The other ten recommendations go to supporting an improved participant experience through operational or other service delivery reforms, ensuring the NDIS meets expectations.

The Government is committed to working closely with people with disability and their families and carers to ensure the NDIS provides consistent, effective and high quality service delivery. Together with the NDIA, the Government is committed to identifying and improving processes as the scheme continues to mature and evolve and implement the Participant Service Guarantee.

The Government supports or supports in principle all 29 recommendations made in the Report.

Implementation of the Government response, including amendments to the NDIS Act and Rules, has been delayed due to the coronavirus (COVID-19) pandemic. Notwithstanding the delay in introducing the legislation, the NDIA has agreed to commence operationalising the Participant Service Guarantee and public reporting against its timeframes and service standards, as much as possible, from 1 July 2020. The Ombudsman will similarly report against the NDIA’s implementation of the Guarantee in 2020-21. These commitments give practical effect to the Government’s commitment to implement the Guarantee from 1 July 2020, despite the delay in enacting the Guarantee.

Some recommendations call for actions to be undertaken by the Council of Australian Governments (COAG) Disability Reform Council. On 29 May 2020, the Government announced that COAG will be replaced by the National Federation Reform Council. The review of former COAG Councils by Mr Peter Conran AM is ongoing, however, the Australian Government is committed to working with state and territory disability ministers, where relevant, to implement this response.

2019 Review of the NDIS Act

Recommendations made by Mr Tune

Recommendation 1

1. The Disability Reform Council (DRC) adds the resolution of the following outstanding policy matters to its forward work program:
 - a) the treatment of chronic health conditions under the NDIS
 - b) the role of nominees, guardians and supported-decision making under the NDIS, including the intersection between the NDIS and state and territory guardianship legislation
 - c) the role of the NDIA in undertaking fraud detection and enforcement activities, in consultation with the NDIS Quality and Safeguards Commission
 - d) the operation of compensation provisions under the NDIS Act.

Supported

Considerable work is underway to prioritise and resolve boundary and interfaces between the NDIS and other service systems. All governments are working together to progress, as a priority, the roles and responsibilities of all service systems and consistency of application of the *Principles to determine the responsibilities of the NDIS and other service systems*, which are underpinned by the *Applied principles and tables of support* (the Applied Principles). Significant progress was made by disability Ministers in 2019 on how the NDIS interacts with the health, child protection, transport, justice and mental health systems.

The Government recognises that there are opportunities to clarify the noted areas and will work with states and territories, where appropriate, to consider these further.

Recommendation 2

2. The NDIA trials an arrangement where all planning related functions are undertaken with a person who has delegation to approve the plan, and compares the benefits of that approach with the roll out of Joint Planning Meetings.

Supported in principle

The Government and NDIA have committed resources to implement a range of reforms to improve the participant pathway, including the use of independent functional capacity assessments and the delivery of Joint Planning Meetings. These initiatives are designed to improve pre-planning, plan development and approval processes, as well as provide a stronger focus on helping participants implement their plans. These are key examples of how the NDIA is working towards a more collaborative and transparent planning experience.

The NDIA will continue to monitor the impact of these reforms on the participant experience and will assess all available opportunities to ensure the most appropriate implementation arrangements as the NDIS continues to mature.

Recommendation 3

3. The Commonwealth provides additional funding to support people with disability to navigate the NDIS, with a review of demand to occur as part of the next review of NDIS costs, currently scheduled for 2023.

Supported in principle

The Government is committed to ensuring all people with disability are supported to realise the benefits of the NDIS and recognises that there are people with disability in Australia who are harder to reach and engage with than others and may be in need of assistance.

The NDIA can increase its communication to help people with disability navigate the NDIS. The NDIA is currently reviewing the Local Area Coordination framework delivered through the Partners in the Community. The Local Area Coordination framework review will ensure that Partners in the Community maximise people's independence and participation in the community by providing appropriate information and connection to community and mainstream supports and help all people with disability access the supports they need to live an ordinary life.

By December 2019, the NDIA had announced the outcome of over \$198 million of grant funding which was made available to organisations across Australia to implement programs which would empower people with disability, their families and carers to access information, build capacity, and link in with existing community supports. Funding was offered over four separate but complimentary programs, which included the National Information Program which provided \$65 million in funding that targeted individual services for people with disability, as well as the Individual Capacity Building (ICB) Program which provided over \$100 million to organisations with projects to develop the individual capacity of those participating. Round two of the ICB program will open later this year to further enable community organisations to deliver these vital programs.

In 2020, more than \$94 million will be made available through further grant opportunities managed by the Information, Linkages and Capacity Building Program.

The Government has also committed \$20 million to expand the NDIS Community Connectors Program to assist hard to reach communities to navigate the NDIS and assist them in access, planning and implementation processes.

Disability Ministers have also agreed to review national disability advocacy and decision-making supports, including a demand and gap analysis, to ensure funded advocacy organisations are effectively supporting and delivering outcomes for NDIS participants, as well as people with disability who are not eligible for the NDIS, who represent the vast majority of people with disability in Australia.

Recommendation 4

4. Governments and the NDIA provide more clarity around the definition of ‘reasonable and necessary’, with:
 - a) the NDIA publishing information, in accessible formats, about how it determines when a support is reasonable and necessary
 - b) updating the NDIS Rules to reflect the DRC’s agreements on the boundaries between the NDIS and mainstream service systems
 - c) the DRC working to resolve the interface between the NDIS and ordinary living costs
 - d) amending the NDIS Act to clarify that reasonable and necessary supports are considered together as a package
 - e) amending the NDIS Act to clarify that the NDIS is not responsible for funding supports in the absence of that support being provided through another more appropriate service system.

Supported

‘Reasonable and necessary’ is an important principle underpinning the delivery of the NDIS and ensures the supports provided by the scheme support participants to pursue their goals, maximise their independence and develop their capacity to be included in the community as fully participating citizens.

The Government agrees to work with states and territories to implement amendments to the NDIS Act and Rules to clarify the application of reasonable and necessary in the context of an individualised approach to planning and provision of funding for a package of supports, consistent with the scheme’s insurance approach and with the NDIA to clarify operational policies and guidelines as required.

Packages of supports will be built informed by functional capacity assessment (funded by the NDIS) alongside other information individual to each participant. This approach will ensure equity and consistency in decision making, more closely align funding with individual capacity and need, and enable a greater focus on plan implementation where participants are able to exercise choice and control over the supports they need.

Recommendation 5

5. The NDIA gives priority to ICT upgrades to enable online access processes and allow people with disability to track the status of NDIA processes relating to them.

Supported

The NDIA is committed to working with participants and service providers in designing future ICT enhancements and has a number of initiatives already in place to improve its communications and engagement practices. This includes developing a Digital Partnership Program, upgrading the MyPlace Portal with interface and accessibility improvements and new functionality to make it easier to find providers and make service bookings and process claims.

The implementation of online access and process tracking is consistent with the recommendations agreed by Government following the Joint Standing Committee (JSC) on the NDIS' 2018 Inquiry into the NDIS ICT system. However, this feature is dependent on the timing and scope of wider ICT system upgrades aimed at improving the overall participant experience.

Recommendation 6

6. The Commonwealth publish accessible versions of the NDIS Act and NDIS Rules, to help all people with disability understand the legislative basis of the NDIS.

Supported

The Government is committed to the principles of open and inclusive government, including providing accessible digital content and services to all Australians regardless of disability.

The Government will commission the development of accessible versions of the legislation, with the support of the NDIA and in consultation with people with disability and the sector. This is in keeping with the Government's commitment, under Articles 9 and 21 of the *United Nations Convention on the Rights of Persons with Disabilities*, to provide information to persons with disabilities in accessible formats and technologies, noting that it is a human right that all persons be able to access information relating to issues that affect them.

Recommendation 7

7. The NDIS Act is amended to:

- a) allow evidence provided to the NDIA about a prospective participant or participant to be used for multiple purposes under the NDIS Act, including access, planning and plan review processes
- b) provide discretionary powers for the NDIA to require a prospective participant to undergo an assessment for the purposes of decision-making under the NDIS Act, using NDIA-approved providers in a form set by the NDIA.

Supported

As announced by the Minister for the NDIS in November 2019, the NDIA will progressively roll out the use of independent functional capacity assessments nationally in access and planning. The NDIS Act currently contains provision to seek a functional capacity assessment. The intention is to expand the use of independent functional capacity assessments to deliver a more reliable, consistent and transparent approach to NDIS access, planning and plan review decisions. This shift will incorporate greater flexibility and choice and control for participant in implementing their plans.

The Government supports legislative amendments that would deliver a broader use of independent functional capacity assessment, noting the approach was recommended by the Productivity Commission in its 2011 Inquiry Report.

The process for implementing independent functional capacity assessments nationally will be determined based on the experience from recent trials and will occur in close consultation with participants and key stakeholders.

Recommendation 8

8. The NDIS Act and Rules are amended to:

- a) provide clearer guidance for the NDIA in considering whether a psychosocial impairment is permanent, recognising that some conditions may be episodic or fluctuating
- b) remove references to ‘psychiatric conditions’ when determining eligibility and replace with ‘psychosocial disability’.

Supported

The Government supports amending the legislation to strengthen the focus on recovery, flexibility, capacity building and empowerment for people with psychosocial disability. Greater clarity on the definition of permanency for psychosocial disability will improve responsiveness and provide certainty about eligibility for people with mental health conditions, service providers and health professionals.

Disability Ministers have also agreed to improve access to the NDIS for people with psychosocial disability through a range of strategies, priority areas for improvement to the access process and to establish a Psychosocial Disability Recovery Framework by mid 2021 which will be developed in consultation with states and territories and peak bodies.

Recommendation 9

9. The NDIS Act is amended to give a prospective participant up to 90 days to provide information requested by the NDIA to support an access decision, before it is deemed they have withdrawn their access request.

Supported

The Government understands that, in the process of applying for the NDIS, a person with disability may need to produce or acquire additional information to support an access decision, and that there are many reasons outside their direct control that contribute to how quickly they are able to provide it.

Extending the legislated period to 90 days would provide participants with important assurance that they will be given an appropriate time to provide the requested information, and is in keeping with the Government's commitment to deliver improved front-facing experiences with the NDIS.

Recommendation 10

10. The NDIA develops a comprehensive national outreach strategy for engaging with people with disability who are unaware of, or are reluctant to seek support from the NDIS, with a dedicated focus on Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse communities, and people with psychosocial disability.

Supported

The NDIA has a significant body of work underway to enhance engagement for diverse and hard to reach populations. This includes targeted outreach and referral activities and new initiatives to assist in engaging with people with disability in culturally safe environments and supporting them to access the NDIS at the pace they are comfortable with.

The Government has also provided an additional \$20 million to support the rollout of the NDIS National Community Connectors Program, which is focused on supporting hard to reach communities to engage with the NDIS.

The NDIA is also working with states and territories to ensure respectful engagement with all people with disability and options to strengthen existing relationships and networks to increase engagement and accessibility. Part of this work involves identifying options to rollout a national outreach and awareness raising campaign.

Recommendation 11

11. The NDIS Act is amended to reflect that a plan must be facilitated and approved in accordance with the timeframes outlined in the Participant Service Guarantee.

Supported

The Government has committed to the implementation of the Participant Service Guarantee. It will include service standards for how the NDIA is to engage with and work alongside people with disability in delivering the NDIS and timeframes for the NDIA to make decisions or undertake administrative functions, including planning, plan approval and review processes.

Specific legislative amendment to give effect to the Participant Service Guarantee will provide people with disability with certainty around how and when the NDIA makes decisions and how it will engage with them.

The Government and NDIA are working together to support the rollout of the Participant Service Guarantee.

Recommendation 12

12. The NDIS Rules are amended to reinforce that the determination of reasonable and necessary supports for children with disability will:

- a) recognise the additional informal supports provided by their families and carers, when compared to children without disability
- b) provide families and carers with access to supports in the home and other forms of respite
- c) build the capacity of families and carers to support children with disability in natural settings such as the home and community.

Supported

By improving outcomes for people with disability, the NDIS delivers flow-on benefits for families and carers. When the needs of people with disability are met, the wellbeing and social and economic participation of family members and carers also improves.

The NDIA has an important role to assist families and carers of people with disability to identify, and in turn engage with or strengthen the natural relationships that exist within their home and community.

The Government supports clarifying that the NDIS has an important role to support families and carers, noting the support they provide their loved one with disability is critical for the facilitation of outcomes of economic and social independence and the pursuit of goals and aspirations.

Recommendation 13

13. The NDIS Act is amended to provide more flexibility for the NDIA to fund early intervention support for children under the age of seven years outside a NDIS plan, in order to develop family capacity and ability to exercise informed choice and control.

Supported

The Government is focused on ensuring that children with disability are provided early intervention supports in a timely manner, and supports that effectively build the capacity of their families and carers in exercising informed choice and control.

The Government agrees with the intent of maximising the benefits of funded supports at a critical time in a child's development. The detail of this is being considered as part of the NDIA's current strategic review of the Early Childhood Early Intervention (ECEI) approach, and learnings from the six month plan to resolve backlogs and delays as announced by the Government on 26 June 2019.

The NDIA is also considering ways of increasing Early Childhood Partner capacity and capability by collaborating with community linkages and best practice service providers.

Recommendation 14

14. The NDIA undertakes a review of its operational guidelines when funding Supported Independent Living (SIL), with an emphasis on increasing the involvement of participants, families and carers in the decision-making process and the principles of choice and control.

Supported

The NDIA is currently undertaking a review of SIL, with a view to providing more transparency around the decision-making process and maximising participant's choice of support arrangements in the home environment. New Operational Guidelines for SIL and a new Provider SIL Pack were released in June 2020 that require increased involvement of participants, families and carers in the decision-making process.

The NDIA is also exploring contemporary options of supports that enable participants to have an active role in their development, and publishing examples of good practice to better inform market providers and participants.

Further implementation of SIL in participant's plans will take into consideration the recommendations of the JSC on the NDIS' current inquiry into SIL.

Recommendation 15

15. The NDIS Rules are amended to clarify that supports in a participant's plan should be used flexibly, except in limited circumstances, such as capital supports.

Supported

The Government recently announced its intention to provide participants with greater flexibility in using their NDIS funding, in parallel with the national rollout of independent functional capacity assessments. This will provide participants with more choice and enable them to maximise the benefits of their NDIS funding in ways that support them to pursue their goals and aspirations.

The Government supports amending the NDIS Rules to enshrine flexibility as a key principle underpinning the delivery of NDIS supports. This is in keeping with the Government's commitment to improve the participant experience.

Recommendation 16

16. The NDIS Rules are amended to:

- a) set out the factors the NDIA will consider in funding support coordination in a participant's plan
- b) outline circumstances in which it is not appropriate for the providers of support coordination to be the provider of any other funded supports in a participant's plan, to protect participants from provider's conflicts of interest.

Supported

Support coordination may be funded as a reasonable and necessary support in a participant's plan. The Government notes that while support coordination is not intended to be the principal method to support participants to navigate the market and implement their plan, for many it is seen as a fundamental support that maximises their confidence in navigating the market and exercising informed choice and control in the delivery of their supports.

The Government supports reinforcing the active consideration of support coordination in the process of developing a participant's plan and identifying reasonable and necessary supports. The Government also supports enabling participants to access their funded supports from a diverse range of service providers, if it is the participant's choice to do so, and ensuring service delivery arrangements protect participants from conflicts of interest.

Recommendation 17

17. The NDIS Rules are amended to give the NDIA more defined powers to undertake market intervention on behalf of participants.

Supported

Disability Ministers have agreed to progress a more flexible approach to address market challenges, recognising that a one-size-fits all approach to delivering the NDIS is not suitable to address market gaps faced in certain geographic locations or by particular cohorts or disability support types.

The Government supports amending the legislation to support all participants in the NDIS, irrespective of market challenges or supply gaps, to access the benefits of their NDIS supports and providing the NDIA with increased flexibility in these circumstances to encourage positive market behaviour.

Recommendation 18

18. The NDIA works with governments, researchers and experts in the provision of disability support to establish an accessible source of publically available information about evidence-based best practice approaches, to assist participants in exercising informed choice and control.

Supported

The Government acknowledges the need for setting participants up for long-term success through the greater use and dissemination of data and research. Disability Ministers have committed to a Disability Research Strategy, which includes the National Disability Data Asset and a Centre for Knowledge Translation in Disability Systems Research (the Centre).

The NDIA is committed to public data sharing to drive continuous improvement in participant outcomes and to support a financially sustainable NDIS. In particular, the Centre will focus on finding the best available evidence and generating information products, services and supports to enable participants to make informed, evidence-based choices and enhance the decision-making process in development of NDIS plans.

The NDIA has also committed, through its own Research and Evaluation Strategy, to ensure NDIA internal policies and practices are based on the best available evidence and support NDIA staff in working with participants and helping them build and strengthen their capacity for independence, full social and economic participation and exercise increased choice and control.

Recommendation 19

19. The NDIS Act is amended so a participant who requests to ‘plan manage’ their NDIS funding be subject to the same considerations that apply when a participant seeks to ‘self-manage’.

Supported

The Government supports the goal of the NDIS to enable people with disability to exercise full choice and control over their disability supports, including decisions on their providers and service delivery arrangements. Accordingly, self-managed funding arrangements are pivotal for improved participant outcomes, provide economic benefits to the scheme and are consistent with its insurance principles.

Currently the NDIS Act provides for a risk assessment of a participant’s capacity to manage finances to be undertaken in situations where they are managing the supports in their plan without the involvement of a service intermediary.

The Government supports amending the NDIS Act to extend risk assessment processes as it applies to all forms of self-managed funding, including those where an intermediary is involved. This will ensure the capacity building supports desired or required to enable a participant to successfully self-manage their NDIS funding are identified, and to minimise any real or potential risks to the participant.

Recommendation 20

20. The NDIS Act is amended to introduce a new Category D rule-making power that sets out the matters the NDIA must consider when deciding whether to undertake an unscheduled plan review.

Supported

The NDIA has rolled out a number of improvements to assist its handling of reviews, including through establishing a dedicated National Review Team in March 2019 to capture and manage all unscheduled plan review requests.

The Government agrees that additional guidance should be provided in the legislation to simplify plan review processes including outlining the factors that will be considered by the NDIA when deciding whether to undertake unscheduled reviews of a participant’s plan. This would be in keeping with the Government’s commitment to reduce red tape and provide more transparency around how the NDIA makes decisions.

Recommendation 21

21. The NDIS Act is amended to introduce a new Category D rule making power giving the NDIA the ability to amend a plan in appropriate circumstances.

Supported

Considerable work is underway to improve planning and plan review processes to ensure participants can benefit from NDIS supports as soon as possible, streamlining administrative processes and removing red tape.

The Government agrees with making plan review arrangements less burdensome for participants wherever possible, particularly where the proposed change to be made to the plan is straightforward or simple. Allowing the plan to be amended without requiring a plan review or the creation of a new plan would greatly improve the participant experience.

Recommendation 22

22. The NDIS Act is amended to remove the duplicate use of the word ‘review’.

Supported

The Government agrees with the intention of this recommendation and amending the legislative framework to provide greater guidance on the rights of participants to review their plan, including through removing the duplicate use of the word ‘review’ in section 48 (review of a plan) and Part 6 of Chapter 4 (review of a decision) of the NDIS Act.

The NDIA has implemented a number of activities to improve the administration of plan reviews and ensure participants understand why and how planning decisions were made. This amendment will reinforce the NDIA’s existing efforts to streamline and improve review processes, and help ensure participants understand their rights to pursue a review or appeal of an NDIA decision.

The Government also notes that this recommendation was agreed by the Council of Australian Governments in the context of the 2015 Review of the NDIS, and to date has not been legislated.

Recommendation 23

23. The NDIS Act is amended to clarify the Administrative Appeals Tribunal's (AAT) jurisdiction, including the power for a plan to be amended while a matter is before the AAT.

Supported

The Government appreciates that the NDIS Act currently, by not allowing a plan to be varied without creating a new plan, has created procedural and jurisdictional issues in the conduct of external review processes, and at times, increased administrative red tape and frustrations for participants, the NDIA and the AAT.

Providing flexibility for the NDIA to alter or vary a decision (or a plan), with the agreement of the participant and while the matter is before the AAT, and providing the AAT with jurisdiction to hear that decision (or plan) as varied would significantly improve the administration of external review processes and deliver positive participant experiences.

Recommendation 24

24. The NDIS Independent Advisory Council develops a new independent participant satisfaction survey, with reporting included in the NDIA's quarterly reporting to DRC.

Supported

Since September 2018, the NDIA has been testing and refining how participant satisfaction surveys are conducted to allow for a more comprehensive understanding of the participant experience at each stage of a participant's NDIS journey. The NDIA has also been working with the Independent Advisory Council to strengthen the focus on outcomes when obtaining data and is reporting publically on participant satisfaction quarterly.

The Government supports considering opportunities to strengthen existing survey metrics and to capture data relevant to, and supplement the intent of, the Participant Service Guarantee, in keeping with the Government's commitment to deliver an improved participant experience.

Recommendation 25

25. That the NDIS Act is amended to legislate the Participant Service Guarantee as a Category C rule, to be updated from time to time, with:

- a) new timeframes for decision-making, engagement principles and performance metrics, as set out in Chapter 10 of this report
- b) relevant existing timeframes for decision-making moved from the NDIS Act to the new rule
- c) prospective participants and participants being empowered to request an explanation of an access, planning or plan review decision made by the NDIA
- d) participants being empowered to receive a full draft plan before it is approved by the NDIA
- e) a review within two years of being enacted.

Supported

The Government has committed to introduce the Participant Service Guarantee and will work with state and territories to consider and implement amendments to the NDIS Act and Rules to give effect to it.

The Government supports the proposed content of the Participant Service Guarantee, as set out in Chapter 10 of the Report, including legislated timeframes for decision-making. The Government also supports building the Participant Service Guarantee around reportable engagement principles to ensure the NDIA remains accountable for the way it engages and works alongside people with disability in delivering the NDIS.

The Government supports the intention of recommendation 25(d) and providing full transparency around NDIS plan approval processes, as reflected in the objectives of independent functional capacity assessments and joint planning approaches.

The Government will circulate an exposure draft of the proposed legislative form of the Participant Service Guarantee to allow people with disability, their families, carers and key stakeholders to provide further feedback and refine the proposed qualitative aspects, timeframes and performance reporting metrics.

Recommendation 26

26. The NDIS Act is amended to clarify the Commonwealth Ombudsman's powers to monitor the NDIA's performance in delivering against the Participant Service Guarantee.

Supported

The Government has committed \$2 million across four years from 2020-21 to enable the Commonwealth Ombudsman to monitor the NDIA's performance against the Participant Service Guarantee and to support participants pursuing complaints about the timeframes for NDIA decision-making they have experienced.

While the Ombudsman's existing powers under the *Ombudsman Act 1976* are broadly sufficient to enable him or her to monitor and report on the NDIA's performance against the Participant Service Guarantee, the Government supports clarifying his or her powers for this purpose, including the ability to obtain relevant information from the NDIA.

The Government also supports the Ombudsman being required to report to the Government annually regarding the NDIA's performance against the Participant Service Guarantee. This would be in keeping with ensuring the NDIA is delivering improved participant experience, supplementing the NDIA's quarterly reports (refer Recommendation 25).

Recommendation 27

27. The NDIS Act and Rules are amended to:

- a) remove trial and transition provisions
- b) reflect agreed recommendations arising from the 2015 Review of the NDIS Act
- c) reflect current best-practice drafting standards, and other amendments as proposed in this report.

Supported

The NDIS Act and Rules came into force before the scheme rolled out, and accordingly, provide for arrangements unique to the launch, trial and transition phases. As of 1 July 2020, the geographical transition of the NDIS was completed in all states and territories and many provisions in the NDIS Act will be out of date.

The Government supports amending the legislation to reduce complexity and confusion and ensure it is fit-for-purpose to operate under full scheme arrangements, including implementing the recommendations of the 2015 Review of the NDIS as agreed by COAG in December 2016.

Recommendation 28

28. The NDIS Act is amended to reference the National Disability Strategy as is in force from time to time.

Supported

The *National Disability Strategy 2010-2020* is the first time all Australian governments have committed to a unified, national approach towards improving the lives of people with disability, their families and carers. All governments across Australia are working together to develop a new strategy for beyond 2020.

The Government supports amending the NDIS Act to reference the National Disability Strategy for as long as the strategy is in force. This reinforces that all Australian governments, including Commonwealth, state, territory and local governments, play an important role in ensuring service systems are inclusive, accessible and designed for everyone, including people with disability.

Recommendation 29

29. The new National Disability Strategy being developed for beyond 2020 make reference to how it complements and builds on the NDIS.

Supported

The Government acknowledges that the disability landscape has changed markedly since the commencement of the *National Disability Strategy 2010-2020*. In particular, the current strategy does not reflect the implementation of the NDIS and the resulting changes in responsibilities for funding and delivery of disability services.

The new strategy being developed for beyond 2020 will focus on driving improvements in the way all governments deliver outcomes for all Australians with disability, ensuring they have access to core services like employment, education, justice, health and housing support. It will also acknowledge people with disability use a broad range of Commonwealth, state and territory government-funded services that are outside the scope of the NDIS, and that these services drive improved outcomes for people with disability in all areas of their lives, regardless of whether or not they are NDIS participants.

The Government will finalise the new National Disability Strategy in close consultation with state, territory and local governments, people with disability and other key stakeholders.